IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIFTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 4145 of 1998

Between:

K.Surender Rao, S/o.Gangadhar Rao

Occ.Asst-IV in Bharat Petroleum Corporation Ltd., Depot

Nizamabad

..... PETITIONER

AND

1. Union of India, rep.by its Secretary

   Ministry of Petroleum and Natural Gas

   New Delhi

2. The Chairman, Bharat Petroleum Corporation Ltd.,

   Bharat Bhavan, 426, Currimbhoy Road, Ballard Estate

   Mumbai – 400 038.

3. The General Manager (Personnel)

   Bharat Petroleum Corporation Limited

   1, Ranganathan Gardens, Post Bag No.1212 & 1213, Annanagar

   Chennai 600 040

4. Senior Operations Officer, Bharat Petroleum Corporation Limited

   Depot Godown Road, Nizamabad – A.P.,

5. Senior Operations Officer-cum-Depot Manager

Bharat Petroleum Corporation Limited Depot

Godown Road, Nizamabad-A.P.,

6. Senior Divisional Manager, Bharat Petroleum Corporation Ltd.,

45/A, Sarojini Devi Road, Post Bog No.1511,

Secunderabad – A.P.,

7. Deputy General Manager (P) SR, Bharat Petroleum Corporation Limited

1, Ranganathan Gardens, Post Bag No.1212 & 1213, Anna Nagar

Chennai – 600 040.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ or order or direction more particularly one in the nature of Writ of Mandamus calling for the records pertaining to order No.PD.M.MOP.CON, dated 7.3.96 passed by the 7th respondent i.e., Deputy General Manager (P) SR of Bharat Petroleum Corporation Limited, Anna Nagar, Madras and declaring the said order dated 7.3.96 and action of the respondents In not regularizing permanently the petitioner i.e. K.Surender Rao (Asst-IV) in Bharat Petroleum Corporation Ltd., Nizambad Depot under Senior Operations Officer, Bharat Petroleum Corporation Limited, Nizamabad, Andhra Pradesh as arbitrary, illegal, malafide and violative of Articles 14,15,16 and 21 of the Constitution of India and consequently directing the respondents to regularize permanently the services of petitioner i.e. K.Surender Rao, in the post of Asst-IV in scale of Rs.2907/- - Rs.6,000/- with all usual benefits, allowances in Bharat Petroleum Corporation Limited, Nizamabad Depot, Andhra Pradesh.

Counsel for the Petitioner : MR.V.RAVI KIRAN RAO

Counsel for Respondent No.1: STANDING COUNSEL FOR CENTRAL GOVERNMENT

Counsel for Respondent Nos.2 to 7: MR.K.SRINIVASA MURTHY

The Court made the following :

ORDER:

This Writ Petition is filed seeking a Writ of Mandamus to declare the Order dated 07.03.1996 and the action of the respondents in not regularising the services of the petitioner in the cadre of Assistant-IV in Bharat Petroleum Corporation Limited as arbitrary, illegal and violative of Articles 14,15,16 and 21 of the Constitution of India and consequently to direct the respondents to regularize the services of the petitioner in the said cadre.

The facts are not in dispute. Therefore, there is no necessity to go into all the details. The case of the petitioner is that he has been appointed in the year 1994 in the cadre of Assistant-IV, which fell vacant, in the Depot of the fourth respondent at Nizamabad, after duly subjecting to interview and selection and has been working ever since as Assistant-IV continuously without any break till date. As of now, the petitioner has completed more than ten years of service and it is the case of the petitioner that the Depot at Nizamabad has been closed and the regular employees have already been adjusted wherever the vacancies are available and the petitioner being a temporary employee, his services could not be transferred to any other Depot.

In view of the above, without expressing any opinion on the merits of the case, the respondents are directed to consider the case of the petitioner for accommodating him in the post of Assistant-IV or in any other suitable post in any other Depot. Since the petitioner had put in long service of eleven years in the cadre of Assistant-IV, the respondents shall consider the case of the petitioner positively and issue proceedings within a period of one month from the date of receipt of a copy of this Order.

The Writ Petition is accordingly disposed of. No order as to costs.

(C.V.RAMULU, J)

Dt: 15.07.2005

bsv/lvl

To

1. The Secretary, Union of India,

   Ministry of Petroleum and Natural Gas

   New Delhi

2. The Chairman, Bharat Petroleum Corporation Ltd.,

Bharat Bhavan, 426, Currimbhoy Road, Ballard Estrate

Mumbai – 400 038.

3. The General Manager (Personnel)

Bharat Petroleum Corporation Limited

1, Ranganathan Gardens, Post Bag No.1212 & 1213, Annanagar

Chennai 600 040

4. The Senior Operations Officer, Bharat Petroleum Corporation Limited

Depot Godown Road, Nizamabad – A.P.,

5. The Senior Operations Officer-cum-Depot Manager

Bharat Petroleum Corporation Limited Depot

Godown Road, Nizamabad-A.P.,

6. The Senior Divisional Manager, Bharat Petroleum Corporation Ltd.,

45/A, Sarojini Devi Road, Post Bog No.1511,

Secunderabad – A.P.,

7. The Deputy General Manager (P) SR, Bharat Petroleum Corporation Limited,1, Ranganathan Gardens, Post Bag No.1212 & 1213, Anna Nagar

Chennai – 600 040.

8. Two CD copies